

86th Legislative Session – 2011

Committee: Senate Agriculture and Natural Resources

Thursday, February 10, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Krebs, Chair
P Vehle
P Garnos
P Hansen (Tom)
P Maher, Vice-Chair
P Rhoden
P Fryslie
P Frerichs
P Begalka

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Shantel Krebs, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 8, 2011

Moved by: Rhoden
Second by: Maher
Action: Prevailed by voice vote.

Blair Dunn, Department of Agriculture – Report on Water Management
(Handout: 1,2,3)

HB 1098: revise the limitation on the increases and decreases that may be made to the total taxable value of cropland and noncropland.

Presented by: Representative H. Paul Dennert
Proponents: Michael Kenyon, Department of Revenue and Regulation (Handout: 4)
Johnny Kerstiens, SD Farmers Union

Opponents: Senator Larry Rhoden
Rick Vallery, SD Wheat Inc.
Mary Duvall, SD Farm Bureau
Ron Olinger, self, Pierre
Kirk Chaffee, Self, Whitewood
Kenny Fox, SD Stockgrowers Assn.

MOTION: AMEND HB 1098

1098fb

On page 1, line 5, of the House engrossed bill, overstrike "2011,".

On page 1, line 13, overstrike "2011,".

Moved by: Frerichs
Second by: Garnos
Action: Prevailed by voice vote.

MOTION: DEFER HB 1098 UNTIL TUESDAY, FEBRUARY 22, 2011.

Moved by: Maher
Second by: Garnos
Action: Prevailed by voice vote.

HB 1001: revise certain provisions concerning the assessment of agricultural land.

Presented by: Senator Larry Rhoden
Proponents: Michael Kenyon, Department of Revenue and Regulation

MOTION: DO PASS HB 1001

Moved by: Vehle
Second by: Rhoden
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Krebs, Vehle, Garnos, Hansen (Tom), Maher, Rhoden, Fryslie, Frerichs, Begalka

MOTION: PLACE HB 1001 ON CONSENT CALENDAR

Moved by: Hansen (Tom)

Second by: Begalka
Action: Prevailed by voice vote.

HB 1005: revise certain provisions pertaining to private shooting preserves.

Presented by: Tony Leif, Department of Game, Fish and Parks

MOTION: DO PASS HB 1005

Moved by: Garnos
Second by: Hansen (Tom)
Action: Prevailed by roll call vote. (9-0-0-0)

Voting Yes: Krebs, Vehle, Garnos, Hansen (Tom), Maher, Rhoden, Frysle, Frerichs, Begalka

MOTION: PLACE HB 1005 ON CONSENT CALENDAR

Moved by: Maher
Second by: Frerichs
Action: Prevailed by voice vote.

HB 1006: authorize certain air guns for use in hunting certain animals.

Presented by: Tony Leif, Department of Game, Fish and Parks

MOTION: DO PASS HB 1006

Moved by: Rhoden
Second by: Vehle
Action: Prevailed by voice vote.

MOTION: PLACE HB 1006 ON CONSENT CALENDAR

Moved by: Vehle
Second by: Hansen (Tom)
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Maher

Second by: Begalka

Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Shantel Krebs, Chair

Committee Agenda

Committee: Senate Appropriations
Room: LCR2
Date: Thursday, February 10, 2011
Time: 8:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[SB 195](#) **reiterate, by means of legislative findings, the constitutional relationship of the judicial and legislative branches to the appropriation and budgeting process.**
Senator Brown and Representative Cronin

[SJR 1](#) **Proposing and submitting to the electors at the next general election an amendment to Article V, section 11 of the Constitution of the State of South Dakota relating to the funding of the Unified Judicial System.**
Senator Brown and Representative Cronin

[SB 168](#) **revise certain provisions regarding certain state purchases of supplies and services.**
Senator Haverly and Representative Perry

[SB 184](#) **make appropriations from the water and environment fund, the water pollution control revolving fund subfund, and the drinking water revolving fund subfund for various water and environmental purposes, to revise the state water plan, and to declare an emergency.**
The Committee on Appropriations at the request of the Office of the Governor

[SB 185](#) **revise the per student allocation for the state aid to general education formula.**
The Committee on Appropriations at the request of the Office of the Governor

[SB 186](#) **revise certain provisions related to distribution of funds to sparse school districts.**
The Committee on Appropriations at the request of the Office of the Governor

[SB 187](#) **revise certain provisions regarding the dairy inspection fund.**
The Committee on Appropriations at the request of the Office of the Governor

[SB 188](#) **revise certain provisions regarding the eligibility of National Guard members for certain graduate tuition reductions.**
The Committee on Appropriations at the request of the Office of the Governor

[SB 189](#) **revise certain budgetary provisions relating to certain funds received from the federal government.**
The Committee on Appropriations at the request of the Office of the Governor

[SB 191](#) **repeal certain provisions providing for the sales tax on food refund program.**
The Committee on Appropriations at the request of the Office of the Governor

[SB 192](#) **revise certain allocations for disabilities in the state aid for special education formula.**
The Committee on Appropriations at the request of the Office of the Governor

[SB 199](#) **appropriate money from the property tax reduction fund for the enhancement of human capital.**
Senators Garnos and Gray

[SB 124](#) **appropriate money for the Northern Crops Institute.**
Senators Tidemann, Begalka, Buhl, Frerichs, Fryslie, Garnos, Hansen (Tom), Hundstad, Hunhoff (Jean), Krebs, Maher, Novstrup (Al), Putnam, Rave, Rhoden, and Vehle and Representatives Juhnke, Abdallah, Brunner, Dennert, Hoffman, Hunhoff (Bernie), Kirschman, Kloucek, Lucas, Perry, Sigdestad, Street, Van Gerpen, Vanneman, and Wismer

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

COREY BROWN, Chair

86th Legislative Session – 2011

Committee: Senate Commerce and Energy

Thursday, February 10, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Buhl
P Johnston
P Lederman
P Rave
P Nygaard, Vice-Chair
P Nelson (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Senator Tom Nelson.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 8, 2011

Moved by: Johnston
Second by: Rave
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF RAYMOND WAHLE OF MINNEHAHA COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE ENERGY INFRASTRUCTURE AUTHORITY

Moved by: Nygaard
Second by: Rave
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

SB 180: impose a fee on certain pipelines carrying crude oil and to create a crude oil pipeline compensation fund that may be used in the event of a crude oil spill.

THE CHAIR DEFERRED SB 180 UNTIL TUESDAY, FEBRUARY 15, 2011

SB 87: prohibit local exchange carriers from assessing certain access stimulation charges and to establish certain penalties.

Presented by: Senator Deb Peters (Handout: #1)

Proponents: Lisa Hensley Eckert, Quest

Bill Van Camp, AT&T

John Jones, Sprint

Dan Nelson, Midcontinent Communication

Dennis Duncan, Verizon Wireless

Opponents: James Groft, Northern Valley Communications

Chad Clawson, Global Conference Partners

Scott Swier, Free Conference Call, & Native American Telecom (Handout: #2)

Matt McCaulley, Northern Valley Communications

Greg Dean, SD Telecommunications Association (Handout: #3)

Darla Pollman Rogers, SDATC and SDN Communitions

Harry Christianson, Northern Valley Communications, LLC, answered a question of the committee

MOTION: DEFER SB 87 TO THE 41ST LEGISLATIVE DAY

Moved by: Nygaard

Second by: Lederman

Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Buhl, Lederman, Rave, Nygaard

Voting No: Adelstein, Johnston, Nelson (Tom)

SB 123: allow military spouses to receive unemployment compensation if they leave their jobs due to a spouse's military transfer.

THE CHAIR DEFERRED SB 123 UNTIL TUESDAY, FEBRUARY 15, 2011

SB 143: allow artisan distillers and farm wineries to sell certain distilled spirits to wholesalers and retailers.

THE CHAIR DEFERRED SB 143 UNTIL TUESDAY, FEBRUARY 15, 2011

SB 158: toll the Department of Environment and Natural Resources administrative rules on underground injection control Class III wells and in situ leach mining until the department obtains primary enforcement authority of the comparable federal programs.

THE CHAIR DEFERRED SB 158 UNTIL TUESDAY, FEBRUARY 15, 2011

SB 161: prohibit certain unfair or discriminatory practices based on age and veteran or military status.

THE CHAIR DEFERRED SB 161 UNTIL TUESDAY, FEBRUARY 15, 2011

SB 182: require the inspection of certain property adjacent to lakes before the property may be transferred.

THE CHAIR DEFERRED SB 182 UNTIL TUESDAY, FEBRUARY 15, 2011

MOTION: ADJOURN

Moved by: Nygaard
Second by: Buhl
Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Tom Nelson, Chair

86th Legislative Session – 2011

Committee: Senate Education

Thursday, February 10, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Gray
P Kraus
P Rave
P Schlekeway
E Johnston, Vice-Chair
P Garnos, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Cooper Garnos, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 8, 2011

Moved by: Kraus
Second by: Rave
Action: Prevailed by voice vote.

HB 1080: modify the date on which the annual financial reports of school districts are considered past due.

Presented by: Representative Dan Dryden
Proponents: John Pedersen, School Administrator of South Dakota
Bill Engberg, Associated School Boards of SD
Tammy Darnall, Department of Education

MOTION: DO PASS HB 1080

Moved by: Rave
Second by: Schlekeway

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Gray, Kraus, Rave, Schlekeway, Garnos

Excused: Johnston

MOTION: PLACE HB 1080 ON CONSENT CALENDAR

Moved by: Gray

Second by: Schlekeway

Action: Prevailed by voice vote.

SB 77: require the approval of the resident school district if a student who open enrolls is transported within the student's resident district by the receiving district.

Presented by: Senator Shatel Krebs

MOTION: DO PASS SB 77 AS AMENDED

Moved by: Schlekeway

Second by: Kraus

Action: Prevailed by roll call vote. (5-1-1-0)

Voting Yes: Bradford, Gray, Kraus, Rave, Schlekeway

Voting No: Garnos

Excused: Johnston

MOTION: AMEND TITLE OF SB 77

77cta

On page 1, line 1, of the printed bill, delete everything after "require" and insert "school boards to approve pick-up locations for any open enrolled students who are transported in their resident school districts by receiving school districts."

On page 1, delete lines 2 and 3.

Moved by: Gray

Second by: Schlekeway

Action: Prevailed by voice vote.

HB 1070: prohibit school districts from employing school counselors who are not certified.

Presented by: Representative Jacqueline Sly

Proponents: Brady Summers, self, Marion (Handout: 1)
Kelly Duncan, self, Vermillion
Sandra Waltman, SD Education Association
Greg Boris, South Dakota Voices for Children
Terrance Dosch, SD Council of Mental Health Centers

MOTION: DO PASS HB 1070

Moved by: Kraus

Second by: Rave

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Gray, Kraus, Rave, Schlekeway, Garnos

Excused: Johnston

SB 165: reduce by ten percent the small school adjustment in the state aid to education formula, and to appropriate the money saved by the state as a result of the reduction to fund the education service agencies.

Presented by: Senator Phyllis Heineman (Handouts: 2,3)

Opponents: Jim Hutmacher, SD Coalition of Schools
Chip Samberg, Superintendent, Estelline School
Dianna Miller, Large School Group
John Pedersen, School Administrator of South Dakota
Scott Swier, Small School Adjustment Alliance
James Cutshaw, Superintendent, Wolsey
Bryce Healy, SD Education Association
Bill Engberg, Associated School Boards of SD

MOTION: DEFER SB 165 TO THE 41ST LEGISLATIVE DAY

Moved by: Rave

Second by: Bradford

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Kraus, Rave, Schlekeway, Johnston, Garnos

Excused: Gray

MOTION: ADJOURN

Moved by: Schlekeway

Second by: Johnston

Action: Prevailed by voice vote.

Cheri Hauschild
Committee Secretary

Cooper Garnos, Chair

Committee Agenda

Committee: Senate Judiciary
Room: 413
Date: Thursday, February 10, 2011
Time: 7:45 AM

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Governor's Appointments:

Loren McManus, Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Crime Victims' Compensation Commission

Alicia Y. Alvarez, Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Crime Victims' Compensation Commission

[SB 164](#) **revise certain provisions regarding the regulation of traffic on municipal streets.**
Senators Johnston, Hundstad, Olson (Russell), and Tieszen and Representatives Tornow, Abdallah, Cronin, Fargen, and Kirkeby

[SB 172](#) **reduce the interest rate applied for certain judgements, liens, and damages.**
Senators Cutler, Begalka, Frerichs, Hansen (Tom), Maher, Nygaard, Tieszen, and Vehle and Representatives Gosch, Bolin, Boomgarden, Gibson, Kopp, Russell, and Tornow

[SB 173](#) **allow specific details of alleged sex crimes against minors be suppressed under certain conditions.**
Senators Cutler, Adelstein, Garnos, Holien, Hunhoff (Jean), Kraus, Olson (Russell), Peters, and Schlekeway and Representatives Willadsen, Abdallah, Lust, Magstadt, Rausch, Russell, and Turbiville

[SB 115](#) **prohibit the use of certain wireless communication devices while driving.**
Senators Adelstein and Lederman and Representatives Feinstein, Kopp, and Lucas

[SB 116](#) **provide for the confiscation of motor vehicle license plates for certain driving under the influence violations.**
Senators Adelstein and Lederman and Representatives Kirkeby and Kopp

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

CRAIG TIESZEN, Chair